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SUPREME COURT. U. S.

Supreme Court of the United States

OCTOBER TERM, 1967.

No. 508

Office-Supreme Court, U.S.
FILED

SEP 18 1967

JOHN F. DAVIS, CLERK

THELMA LEVY, in her capacity as administratrix of the succession of **LOUISE LEVY** and as tutrix of and on behalf of the minor children of **LOUISE LEVY**, said children being: **RONALD BELL**, **REGINA LEVY**, **CECILIA LEVY**, **LINDA LEVY** and **AUSTIN LEVY**,

versus

THE STATE OF LOUISIANA through the **CHARITY HOSPITAL OF LOUISIANA** at **NEW ORLEANS** **BOARD OF ADMINISTRATORS** and **W. J. WING, M.D.**, and **A. B. C. INSURANCE COMPANIES**.

Appeal from the Supreme Court of Louisiana.

MOTION TO DISMISS AND/OR AFFIRM.

PORTEOUS & JOHNSON,
WILLIAM A. PORTEOUS, JR.,
925 Hibernia Bank Building,
New Orleans, Louisiana 70112,
HONORABLE JACK P. F. GREMILLION,
ATTORNEY GENERAL,
State of Louisiana,
State Capitol Building,
Baton Rouge, Louisiana.

SUPREME COURT OF THE UNITED STATES
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Now into Court through undersigned counsel comes **W. J. Wing, M.D.**, and **Interstate Fire and Casualty Company** for the purpose of moving for the dismissal and/or, in the alternative, the affirmation of the judgment rendered below in the Supreme Court of the State of Louisiana. Movers with respect represent:

1.

The appeal is not within the jurisdiction of this Court inasmuch as the constitutionality of a State

statute is not involved, but rather what is involved is the interpretation accorded a statute by the Supreme Court of a State.

2.

The appeal herein should be dismissed inasmuch as no substantial Federal question is involved.

3.

The judgment rendered by the Supreme Court of Louisiana should be affirmed inasmuch as the issues raised in this cause are not substantial and need no further argument.

WHEREFORE, movers pray that this appeal be dismissed and/or the judgment below be affirmed. And for all general and equitable relief.

Respectfully submitted,

PORTEOUS AND JOHNSON

William A. Porteous

WILLIAM A. PORTEOUS, JR.,

925 Hibernia Bank Building,

New Orleans, Louisiana 70112.

HONORABLE JACK P. F.

GREMILLION,

ATTORNEY GENERAL,

State of Louisiana,

State Capitol Building,

Baton Rouge, Louisiana.

CERTIFICATE.

I HEREBY CERTIFY that a copy of the above and foregoing Motion has been served upon Mr. Adolph J. Levy and Mr. Lawrence J. Smith, 1407 Pere Marquette Building, New Orleans, Louisiana, by depositing same in the United States Post Office, first class, postage prepaid, addressed as above, this ~~14th~~ day of September, 1967.

I FURTHER CERTIFY that copies of the above and foregoing Motion have been served upon Mr. Norman Dorsen, 40 Washington Square South, New York, New York 10003, and upon Mr. Melvin L. Wulf, 156 Fifth Avenue, New York, New York 10010, by depositing same in the United States Mailbox, Air Mail postage prepaid, addressed as above this ~~14th~~ day of September, 1967..

William A. Porteous, Jr.
.....
WILLIAM A. PORTEOUS, JR.